

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESale PRICE  
LITIGATION

)  
) MDL NO. 1456  
) Civil Action No. 01-12257-PBS  
) Subcategory No. 07-12141

THIS DOCUMENT RELATES TO:

*State of Iowa*

v.

*Abbott Laboratories Inc., et al.*

)  
) Judge Patti B. Saris  
)  
)  
)  
)

**MARCH 2012 STATUS REPORT FOR THE STATE OF IOWA**

The undersigned counsel for the State of Iowa (hereinafter referred to as “plaintiff”) hereby submits the attached Status Report for March 2012, in accordance with the Court’s June 17, 2004 Procedural Order.

Dated: March 1, 2012

Respectfully submitted,

**KIRBY McINERNEY, LLP**  
825 Third Avenue  
New York, New York 10022  
(212) 371-6600

By: /s/ Joanne M. Cicala  
Joanne M. Cicala

*Counsel for the State of Iowa*

## **March 2012 Status Report for the State of Iowa**

### **Voluntary Dismissal of Claims**

On April 14, 2011, plaintiff filed a notice of voluntary dismissal of claims against defendant Tap Pharm. Products, Inc. n.k.a. Takeda Pharm. N.A., Inc. *See* Docket No. 7502, Sub-docket No. 112. This notice remains *sub judice*.

On April 15, 2011, plaintiff filed a notice of voluntary dismissal with prejudice of claims against defendant Novartis Pharmaceuticals Corp. *See* Docket No. 7505, Sub-docket No. 113. This notice remains *sub judice*.

On April 20, 2011, plaintiff filed a notice of voluntary dismissal of claims against defendants Hoffman-La Roche, Inc. and Roche Laboratories, Inc. *See* Docket No. 7509, Sub-docket No. 115. This notice remains *sub judice*.

On September 28, 2011, plaintiff filed a notice of voluntary dismissal of claims against defendant Eli Lilly and Company and a notice of voluntary dismissal of claims against defendant Endo Pharmaceuticals, Inc. *See* Docket No. 7815, Sub-docket 131; Docket No. 7816, Sub-docket 132. These notices remain *sub judice*.

On November 18, 2011, plaintiff filed a notice of voluntary dismissal with prejudice of claims against defendants Merck & Co., Inc. (f/k/a Schering-Plough Corporation), Schering Corporation, and Warrick Pharmaceuticals Corporation. *See* Docket No. 7922, Sub-docket 140. This notice remains *sub judice*.

On November 22, 2011, plaintiff filed a notice of voluntary dismissal with prejudice of claims against defendant Merck, Sharp & Dohme Corp. (f/k/a Merck & Co., Inc.). *See* Docket No. 7931, Sub-docket 141. This notice remains *sub judice*.

On January 4, 2012 plaintiff filed a notice of voluntary dismissal with prejudice of claims

against defendant Purepac Pharmaceutical Co. *See* Docket No. 8020, Sub-docket No. 146. This notice remains *sub judice*.

**Settlement Order of Dismissal**

On November 1, 2011, the Court entered plaintiff and defendant Sandoz, Inc.'s joint proposed settlement order of dismissal of claims against defendant Sandoz, Inc. The order provides that claims against this defendant shall be dismissed without cost and without prejudice of any party, upon good cause shown, to reopen the action within one hundred and twenty (120) days if settlement is not consummated. *See* Docket No. 7872, Sub-docket No. 138. Since then, the parties have finalized their settlement.

On February 16, 2012, the court entered in plaintiff's and defendants' third joint motion to extend the settlement order of dismissal as to King Pharmaceuticals Inc., King Research and Development, Monarch Pharmaceuticals Inc., Par Pharmaceutical Companies, Inc., and Par Pharmaceutical Inc. The order provides that claims against these defendants shall be dismissed without costs and without prejudice to the right of any party, upon good cause shown, to reopen the action by May 3, 2012 if settlement is not consummated. *See* the Court's February 16, 2012 Electronic Order.

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that on the 1st day of March, 2012, he caused a true and correct copy of the above March 2012 Status Report for the State of Iowa to be delivered to counsel of record for defendants by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL No. 1456.

Dated: March 1, 2012

/s/ James P. Carroll, Jr.  
James P. Carroll, Jr.  
Kirby McInerney LLP  
825 Third Avenue  
New York, NY 10022  
(212) 371-6600